## EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

Title: Thomas J. C'Neill, Trustee ir Barkruptcy of Guanta o. 34-305-CFX Resources Corporation, Debtor, Petitioner tatus: GRANTED City of New York, et al. ocketed: anc ovember 14, 1984 Thomas J. C'Neill, Trustee ir Barkruptcy of Guanta Resources Corporation, Debtor, Petitioner ice: 34-801 New Jersey Department of Ervironmental Protect Court: United States Court of Appeals for the Third Circuit Counsel for petitioner: C'Neill, Thomas J., McEnroe, William F. Counsel for respondent: Koerner, Leonard, Ciarcia, James J. Terrell, A. Dennis, Hermarr, Robert

Cate

| y |     | 29  |     | _   |      | 7 | 9 t |     |     |     | _     |     | -   |     | _   |     |     | _   |     | r   | C   | c e | 6   | di  | -   | g s |     | 31  | nd  |     | Cr  | . 4 | 9   | 5   |       |     |    |      |     |     |     |     |   |     |     |     |     |     |     |     |
|---|-----|-----|-----|-----|------|---|-----|-----|-----|-----|-------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|-----|----|------|-----|-----|-----|-----|---|-----|-----|-----|-----|-----|-----|-----|
|   |     |     |     |     |      |   |     |     |     | _   |       | _   |     | -   |     |     | -   | _   | -   |     | -   |     | -   |     | -   |     | -   | -   |     | -   |     | -   | -   |     | -     |     | •  | -    |     | -   | -   |     | - | -   |     | -   | -   |     | -   | -   |
| 1 | YOV | 1   | 4   | 1   | 994  |   | Ĝ   | P   | e t | i   | t     | ic  | n   | 1   | fo  | r   |     | r   | 11  |     | C   | f   | 0   | er  | t   | ic  | •   | a r | ri  |     | fi  | 1   | 0   |     |       |     |    |      |     |     |     |     |   |     |     |     |     |     |     |     |
| 3 | Dec | 10  | 3   | 1   | 994  | • |     |     |     |     | 6     | rc  | 9   | r   | e   | X   | t e | n   | di  | -   | 9   | t   | i   | n e | 1   | to  |     | 4 4 | 1   |     | ,   |     | 5   |     | -     | e 6 |    |      | ^   |     |     | . 4 |   | 4   |     |     |     | - 4 |     |     |
|   |     |     |     |     |      |   |     |     |     |     |       | 3 n | u   | a r | • у | -   | 6 7 |     | 1   | 9   | 23  |     |     |     |     |     |     |     |     |     |     |     |     |     |       |     |    |      |     |     |     |     |   | 10  | 31  | 1   | u   | 11  | . 1 | r   |
| 4 | Dec |     |     |     |      |   |     | c 1 | ri  | e   | 1     | C   | +   | *   | · e | S   | 0 0 | n   | de  | 2   | *   | ۸   | e   |     | Y : |     | k   | •   | in  |     |     |     | 0.5 | : 4 | +     | io  |    |      | 4 4 | 1   |     | 4   |   |     |     |     |     |     |     |     |
| 5 | Jan | 2 3 | 2   | 1   | 985  | 3 |     | = 1 | r j | e   | T     | C   | +   | r   | · e | S   | 0 0 | n   | 36  | r   | t   | ٨   | 0   |     | 1 6 | 0 0 | 9   | P V | ,   | 0   | 0 - |     | - 1 | . 4 |       | = 6 |    |      |     |     | -   | • • |   |     |     |     |     | 4 _ |     |     |
|   |     |     |     |     |      |   |     |     |     |     | C     | 9   | C   | s i | t   | 1:  | n   |     | 11  | L   | e : | i . |     |     | •   |     | 9   | - / |     |     | -   | •   | • ' |     |       | . 1 | ٧  | •    | -   | 1   | 9   | . 6 | C | r   | 1 6 | n   |     | ır  |     |     |
|   | Jar |     |     |     |      |   |     |     |     |     |       |     |     |     |     |     |     |     |     |     |     |     |     | er  | V   | 1   | 5   |     | 1   | 9;  | 2 5 |     |     |     |       |     |    |      |     |     |     |     |   |     |     |     |     |     |     |     |
| 7 | Feb | 15  | ,   | 1 : | 35   | , |     |     |     |     | r 6   | t   | 1   | t i | 0   | n   | 3   | R   | AN  | T   | E   |     | -   | h   | P   | c   | 2   |     | . ' |     |     |     | 0.  |     | 0     | 1 4 |    |      |     | -   |     |     |   | _   | 0   |     | _   | 20  |     |     |
|   |     |     |     |     |      |   |     |     |     |     | 0 1   | 10  | -   | а   | t   | ot  | a   | 1   | 0   | +   | -   | 10  | 9   | h   | CI  |     |     | 1 0 |     | 2 1 | 1   | -   | • • | 3   | 7     | 4   | -  |      |     | 0   | -   | . 1 | I | n   |     | 4   | -   | 3 ( | 1   | ,   |
|   |     |     |     |     |      |   |     |     |     |     | J L   | S   | t   | ic  | e   |     | 0   |     | el  | i   | 0   | 1   | Ť.  |     | -   | •   |     | , 3 | ,   | 9 1 |     | -   |     |     | u     |     | C  | ,    | C   | r   | 0   |     | a | rç  | 36  | П   | er  | 17  | •   |     |
|   |     |     |     |     |      |   |     |     |     | ,   | * *   | *   | * 1 | * * | *   | * * |     | *   | * * | *   | * * | *   | * * |     | * * | *   | * 1 |     |     |     |     |     |     |     |       |     |    |      |     |     |     |     |   |     |     |     |     |     |     |     |
| - | Mar | 15  | , , | 1 9 | 35   | 3 | 3   |     |     | 1   | . 0   | t   | 10  | cn  |     | 01  |     | t   | he  |     | c a |     | t i | e   | 5   | +   | 0   | -   | 14  | er  |     | -   |     | -   |       |     | -  | -    |     |     | -   |     | - |     | -   | -   |     |     | *   |     |
|   |     |     |     |     |      |   |     |     |     |     | io    | i   | nt  |     | a   | 20  |     | n   | di  | ×   | - 4 |     | 1 6 | 1   |     | ٠   | •   | 9   | , , | 3,  | . e | ,   | 2 6 |     | w     | 1 6 | r  |      | 3 Г | 11  | 7   | 1   | r | 9   | τ   | n   | 6   |     |     |     |
| 9 | Yar | 25  |     | 1 9 | : 85 |   |     |     |     | i   | 10    | t   | i   | cr  |     | o f |     | *   | he  | -   | D a |     | + 1 | e   |     | +   | 2   | -   |     |     |     |     |     |     | 4     |     | _  |      |     | 2   |     |     | _ | _   |     |     | _   |     |     |     |
|   |     |     |     |     |      |   |     |     |     |     | 10    | 1   | P 1 |     | a   | 00  | e   | n   | di  | ×   | 5   |     | AN  | T   | E D | -   | •   | 111 |     | + + |     |     | 3 6 | -   |       | . 1 | 11 | -    | 311 | 7   | n ı | . 1 | n | 9   | τ   | n   | 6   |     |     |     |
| 7 | Apr | 5   | 1   | 1 9 | 85   | G | ;   |     |     | i   |       | t   | ic  | : n |     | o f |     | TI  | ha  | m   | 2 6 |     | H . |     | 1 2 |     |     |     | 5   | -   |     | -   | 1   | 0   | **    |     |    |      | ,,, | 4   | •   |     |   |     | _   | _   |     |     |     |     |
|   |     |     |     |     |      |   |     |     |     |     | i IT  | 1   | CL  | s   |     | cu  | 1   | 1   | 9 6 |     | fi  | 1   | 0.0 |     |     | -   | -   | , . |     | ,   | -   | 1   |     | •   | 0 1   | / E |    |      | ,   | 1   | , , | . e |   | a   | C   | Г   | 1 6 | T   | -   | 3 5 |
|   | Apr |     |     |     |      |   | 1   | ė r | 1   | e · | f     | 0   | f   | 0   | e   | ti  | t   | 10  | on  | e   | r   | TI  | ho  | m   | 2 6 |     | 0   | N   |     | 4 1 | 1   |     |     |     | _     |     |    | 4 1  |     | -   |     |     | - |     |     |     |     |     |     |     |
| 2 | apr | 4   | . 1 | 19  | 25   |   | 1   | cr  | i   | e   | t     | 0   | f   |     | e   | ti  | t   | 10  | 20  | 9   | _   |     | 10  | L   | 2 7 | +   |     |     | N   |     |     | ٠.  |     | i   |       |     | -  | , i  | 4   | -   | •   |     | 1 | 0 5 | . 0 | •   |     |     |     |     |
| 3 | Apr | 5   | 1   | 1 9 | 85   |   | 1   | cr  | i   | e   | f     | a   | m i | c   | u   | S   | c   | u   | ri  | a   | e   | C   | f   | 0   | 9 6 | i   | + 1 |     | 1   |     |     | 21  | 1 0 | -   | 2     |     | -  |      | . 4 | 1   |     |     | : | ١.  |     |     |     |     |     |     |
|   |     |     |     |     |      |   |     |     |     | 1   |       | C   | = 1 |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |     |    |      |     |     |     |     |   |     |     |     |     |     |     |     |
| 5 | Apr | 17  | 1   | 1 9 | 35   |   |     |     |     | (   |       | a   | er  |     | e   | ×t  | e   | n   | it  | -   | c   | t   | in  | e   | ŧ   | C   | 4   | 1   | 1   | 9   | +   |     |     | 4   | -     | . 4 |    |      |     | -   | ٠.  |     |   | - • |     |     | _   |     | _   |     |
|   |     |     |     |     |      |   |     |     |     |     | r e   | r   | it  | : 5 | -   | un  | t   | il  | L   | J   | Ln  | e   | 7   | ,   | 1   | 9   | 2 5 |     | •   | •   | -   | •   |     | ٠   | -     | , , |    |      | 3   | P   | 31  | 10  | 2 | 11  |     | 0   | 1   | t   | E ( |     |
| 5 | 101 | 22  | 1   | 1 9 | 35   |   |     |     |     | 1   | . 0   | t   | ic  | r   | -   | of  |     | TH  | 10  | П.  | às  | 1   | 4.  |     | la  | •   | ks  | C   | n   | 4   | -   | -   | 1   |     | 2 1   |     |    |      |     |     | 4 1 |     |   | •   |     | _   |     |     |     |     |
|   |     |     |     |     |      |   |     |     |     |     | 3 (1) | 1   | CL  | . 5 | -   | cu  | 1   | 7 6 | 9 6 | - 1 | 6 4 | A   | ۷T  | E   | ) _ |     |     |     |     |     |     |     |     |     |       |     |    |      |     |     |     |     |   |     |     |     | 1 6 | 1   | 4   | 3 3 |
| 7 | Apr |     |     |     |      |   | 1   |     |     |     | . C   | t   | 10  | r   | -   | of  |     | 7   | 2 5 | 0   | cn  |     | e n | *   |     | 4   | 0.0 |     | 4   | iv  | 4   | -   |     |     |       |     |    |      |     |     | 4   |     |   |     |     |     |     |     |     |     |
|   | May |     |     |     |      |   |     |     |     |     | C     | τ   | 1 0 |     | - 1 | O T |     | r ( | 2 5 | 2   | o n | CE  | Pn  | 1 5 | 2   | 4   | 0 5 | •   | 4   | • 4 | 4   |     |     |     |       |     |    |      |     |     |     | 2.0 |   | LT  |     |     |     |     |     |     |
|   | Jun | 6   | 1   | 1 9 | 35   |   |     | = 1 | 1   | e f | 1     | a   | m i | c   | u   | S   | c   | ur  | • 1 | a   | e   | c   |     | We  |     | +   | V   | 1   |     | , i | -   | 4 : |     |     |       | 9   | 0  | 1    |     | 4   | : 1 |     | - | 4 1 | -   | +   |     |     |     |     |
| 0 | Jun | 7   | 1   | 1 9 | 35   |   |     | ir  | i   | et  | 1     | 0   | f   | r   | e   | SC  | C   | n   | de  | n 1 | t   | N.  | j   | De  |     | +   |     |     | 4   | , E | -   | 4   |     | -   |       |     |    |      |     | 1   |     |     | 3 | •   | ٧   | 2   | 7 = | U   | •   |     |
|   |     |     |     |     |      |   |     |     |     | 1   | fi    | 1   | e c |     | 1   | VI  | 0   | E   |     |     | •   |     |     |     | _   | •   | •   | -   | •   | -   | •   | •   |     | 0   | . (18 | 16  |    |      |     | ,   | - 1 | C   | L | 2 C | t   | 1 ( | חכ  | 1   |     |     |
|   | Jun |     |     |     |      |   |     | = r | 1   | e t | 1     | C   | +   | r   | € : | SE  | C   | n   | de  | 0   | t   | ٨.  | س د | 1   | 10  | -   | k   |     | 4 1 | 10  | -   | -   | 10  | 7   | n e   |     |    |      |     |     |     |     |   |     |     |     |     |     |     |     |
| 2 | Jun | 7   | 1   | 1 9 | 85   |   |     |     |     | 1   | c     | d   | 2 1 | -   | C   | r   |     | C . | i   | v   | e d |     | 7   | 0   | 3 6 |     |     |     |     |     |     | •   | . " |     | 2 =   | -   | •  |      |     |     |     | ,   |   |     |     |     |     |     |     |     |
|   |     |     |     |     |      |   |     |     |     | •   |       | - : | 3 ' |     | 3   |     | •   |     |     | •   |     | •   | 1   | U   | -   | e   | •   | 4   | 21  | 11  | Г   | ec  | 3   | T   | 3     | r   | C  | O IT | 1   | > 0 | 37  | 4   | , |     |     |     |     |     |     |     |



## 34-805-CFX

|     |     | Jat i |         | vote | Proceedings and Croers                                   |
|-----|-----|-------|---------|------|--|
|     |     |       |         |      |  |
|     |     |       |         |      | Department of Justice.                                   |
| 23  | Jun | 7     | 1985    | c    | riet amicus curiae of United States filec. VIDED.        |
| 24  | Jun | 12    | 1985    |      | Record filed.  |
| 2.5 | Jun | 15    | 1985    | G    | Motion of petitioner Midlantic National Bank for civiced |
| ?5  | Lum | 21    | 4 6 3 6 |      | argument filec.  |
| 7.5 | Jun | 24    | 1985    |      | Motion of petitioner Midlantic National Bank for civiced |
| 27  | Lun | 7     | 1985    |      | argument GRANTED.  |
|     |     |       |         |      | riet amicus curiae of California filed. VIDED.           |
| 3.5 | Jul | 18    | 1985    |      | SET FOR ARGUMENT, Wedresday, October 16, 1985. This race |
|     |     |       |         |      | is consolidated with No. 34-87.1. (1st case) (1 hour).   |
| 29  | Aug | 7     | 1985    |      | CIRCLLATED.  |
| 30  |     |       | 1985    |      | ARGUED.  |